

REMARKS

The above-referenced application was filed on January 24, 2006 with a total of 31 claims. In a first Office Action dated January 29, 2009, an objection to claim 27 was raised for an informality, claims 1-5 and 18-31 were rejected based on prior art, and claims 16 and 17 were indicated to be allowable if rewritten into independent form. By way of the amendment, claim 25 is cancelled, and each of claims 1-24 and 26-31 is amended. Applicants therefore respectfully request reconsideration and allowance of all pending claims.

First, with respect to claim 27, it has been amended to correct the typographical error noted by the Examiner. Withdrawal of this objection is therefore appropriate.

Turning to the prior art rejections, claims 1-15, 18, 20, 23-26, 29, and 30 have each been rejected under 35 USC 102(b) as being anticipated by an article by Montaldo, et al. However, any anticipation rejection requires that the cited art disclose each and every element of the rejected claim. Claims 1 and 23, from which the remaining claims depend have both been amended to include limitations even more clearly not found in Montaldo. Accordingly, the anticipation rejection should be withdrawn.

More specifically, claim 1 and 23 have both been amended to now recite, among other things that the imaging method or imaging apparatus include either an “imaging step wherein an image of at least a portion of said target medium is built based on received echoes” or an “imaging means for building an image of at least a portion of said target medium based on received echoes”, respectively.

Montaldo fails to disclose such elements. Montaldo teaches a lithotripsy method using ultrasound waves, but no imaging method including an imaging step, nor imaging apparatus including an imaging means, wherein an image of the target medium is built based

on received echoes, is disclosed. In light of this, the anticipation rejection should be withdrawn.

In addition, while not necessary as it depends from allowable claim 1, Applicants wish to point out that the argument of the Examiner with regard to claim 15 also does not apply anymore as claim 15 has been amended to further state that the echoes are *selectively* picked up at a receive frequency that is an integer multiple of the central emission frequency. This selective reception is obtained by frequency filtering, either by the structure of the receiver transducers themselves, or by a later filtering. This is supported in the specification at, for example ¶72.

As for obviousness, the independent claims are not rejected under 35 USC 103, but certain dependent claims (19-21, 27-28 and 30) are rejected for obviousness. Regardless of the teachings of the additional references (Borchardt, Dubinsky, and Romano) regarding the additional limitations of the dependent claims, they add nothing to the equation regarding the missing elements of the independent claims identified above. Namely, none of the references either disclose or suggest an imaging method including an imaging step wherein an image of the target medium is built based on received echoes. Even after MPEP 2143 was revised in light of *KSR*, an obviousness rejection still requires that all claim limitations be considered and that either each element be shown in the art or that some suggestion in the art or rationale be provided regarding the missing elements. Here, none of the cited art discloses nor suggests such an imaging step, nor has any additional rationale been provided with respect to the missing elements. The obviousness rejections of claims 19-21, 27-28, and 30 should therefore be withdrawn.

Finally, while Applicants wish to gratefully acknowledge the indication of allowability with respect to claims 16 and 17, applicants note an inconsistency with regard to claims 27 and 28. Page one of the Office action lists claims 27 and 28 as allowable similar to

claims 16 and 17. This makes sense in that claims 27 and 28 are essentially the apparatus counterparts to method claims 16 and 17, respectively. However, later in the body of the action claims 27 and 28 are rejected as obvious, and the action concludes with a paragraph specifically mentioning only claims 16 and 17 as allowable if rewritten into independent form. Applicants have not rewritten such claims as the independent claims from which they depend have been amended to clearly distinguish over the cited art, but Applicants would appreciate correction of this discrepancy as well. Further, with respect to claim 28, Montaldo does not disclose selectively receiving a receive frequency that is an integer multiple of the central emission frequency. In fact, Montaldo does not suggest such a reception in any way. Such reception is useful to, among other things, avoid reception being disturbed by the emission wave which is particularly long lasting because of the reverberating solid object as noted in ¶73 of the pending application. So, for this reason as well claim 28 is allowable.

In light of all of the foregoing, Applicants respectfully submit that each of the pending claims 1-24 and 26-31 is in condition for allowance and respectfully solicits same. Should the Examiner have any questions, he is invited to telephone the undersigned.

Respectfully submitted,

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